

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Court
Southern District of Texas

FEB 26 2020

David C. Bradley, Clerk of Court

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|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL NO. C-19-2213 |
| | § | |
| NICHOLAS LUKE WINDHAM | § | |

STIPULATION OF FACT IN SUPPORT OF GUILTY PLEA

The defendant, NICHOLAS LUKE WINDHAM, has agreed to stipulate with the United States Attorney for the Southern District of Texas, Ryan K. Patrick, through the undersigned Assistant United States Attorney, to the following facts. The parties agree that these facts are sufficient to establish a factual basis for the defendant's plea, pursuant to Fed. R. Crim. P. 11(b)(3).

I.

The defendant confesses that within the Southern District of Texas on or about November 21, 2019,

- 1) That Rosa Bolanos-Monroy, an alien, had entered or remained in the United States in violation of the law;
- 2) That the defendant knew or recklessly disregarded the fact that the alien was in the United States in violation of the law; and,
- 3) That the defendant transported the alien within the United States with intent to further the alien's unlawful presence.

II.

The defendant further stipulates that had the case proceeded to trial the United States would have called witnesses who would have testified that:

On November 21, 2019, Border Patrol Agents were conducting highway interdiction operations within the Southern District of Texas. At approximately 2:00 a.m., Agent Moreno observed a tan Toyota Tacoma traveling east on Highway 359 at a slow rate of speed. The agent

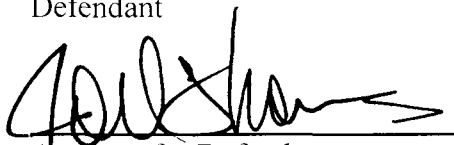
also noticed that the front passenger appeared to duck down when the Tacoma passed the Hebbbronville Border Patrol Station as if to conceal himself. Agent Moreno followed the vehicle, noticing several subjects inside the vehicle. In Realitos, TX, Agent Reyes took primary lead following the Tacoma. Agent Reyes observed subjects in the back seat of the vehicle peaking up and down through the rear window. Agents activated their emergency lights in order to conduct a stop on the vehicle. The Tacoma immediately pulled off the road and the front passenger and rear passenger door opened. Two subjects attempted to quickly flee the area. One subject was apprehended by agents and admitted to being an illegal alien from Guatemala.

Agents found the defendant in the driver's seat of the Tacoma. An additional subject, Rosa Bolanos-Monroy was found in the rear passenger seat. She admitted to being an alien from Guatemala illegally present in the United States. She waived her rights and provided agents with a statement. She stated that after crossing illegally into the United States on September 28, 2019, she was picked up on November 21, 2019 by a man in a tan pickup truck. He dropped her off on the side of the road and she walked for three hours to the highway where the same man in the same pickup was waiting to pick her up. Rosa Bolanos-Monroy positively identified the defendant as the man who picked her up both times.

The undersigned have thoroughly reviewed, understand, and agree that the information contained in this Stipulation of Fact is true and correct.



NICHOLAS LUKE WINDHAM
Defendant



Attorney for Defendant

RYAN K. PATRICK
UNITED STATES ATTORNEY

By: 

for JOEL DUNN
Assistant United States Attorney